

CHARLES L. ROBERTS

IBLA 82-736

Decided June 23, 1982

Appeal from decision of Idaho State Office, Bureau of Land Management, declaring unpatented mining claims abandoned and void. I MC 10801.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment -- Mining Claims: Abandonment

The failure to file the instruments required by sec. 314 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744 (1976), and 43 CFR 3833.1 and 3833.2 in the proper Bureau of Land Management office within the time periods prescribed conclusively constitutes abandonment of the mining claim by the owner.

2. Notice: Generally -- Regulations: Generally -- Statutes
All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

APPEARANCES: Charles L. Roberts, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Charles L. Roberts has appealed from a decision of the Idaho State Office, Bureau of Land Management (BLM), dated April 2, 1982, declaring the unpatented Roberts Mine lode mining claim, I MC 10801, abandoned and void for failure to file evidence of assessment work or notice of intent to hold the claim on or before December 30, 1980, as required by section 314 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1744 (1976), and 43 CFR 3833.2-1.

The claim in this appeal was located in 1974. A copy of the recorded notice of location had been timely filed with BLM, together with proof of assessment work through 1979. No evidence of assessment work or notice of intent to hold the unpatented claim was filed with BLM in 1980.

Appellant states that he was unaware of the requirement for filing evidence of assessment work annually with BLM. He alleged he had been advised by BLM to file his proof of labor commencing in 1981.

[1] Section 314 of FLPMA requires the owner of an unpatented mining claim to file evidence of assessment work performed on the claim or a notice of intent to hold the claim with BLM on or before December 30 of each calendar year. Failure to so file within the prescribed time limit is statutorily considered conclusively to constitute an abandonment of the claim by the owner. 43 U.S.C. § 1744(c) (1976), and 43 CFR 3833.4. See Lynn Keith, 53 IBLA 192, 88 I.D. 369 (1981). A filing only with the county does not satisfy this requirement.

When appellant failed to file timely with BLM either an affidavit of assessment work or a notice of intent to hold the unpatented mining claim, BLM properly held the claim abandoned and void. Robert E. Eisenman, 50 IBLA 145 (1980).

[2] The fact that appellant may not have been aware of the recordation requirement of FLPMA, while unfortunate, does not excuse him from compliance. Those who deal with the Government are presumed to have knowledge of the law and regulations duly adopted pursuant thereto. 44 U.S.C. § 1507, 1510 (1976); Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Donald H. Little, 37 IBLA 1 (1978). The responsibility for complying with the recordation requirements rested with appellant. This Board has no authority to excuse lack of compliance. Lynn Keith, *supra*; A. J. Grady, 48 IBLA 218 (1980).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Douglas E. Henriques
Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

Anne Poindexter Lewis
Administrative Judge

